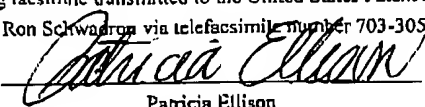


PATENT
Docket No. 212302000320#37
gnd

CERTIFICATE OF FACSIMILE TRANSMISSION

I hereby certify that this correspondence is being facsimile transmitted to the United States Patent and Trademark Office on February 14, 2002, to the attention of Examiner Ron Schwadron via telefacsimile number 703-305-3014, phone number 703-308-4680.


Patricia Ellison

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In the application of:

Stefan MILTENYI et al.

Serial No.: 08/416,920

Filing Date: April 21, 1995

For: DIRECT SELECTION OF CELLS BY
SECRETION PRODUCT

Examiner: R. Schwadron

Group Art Unit: 1644

RESPONSE TO COMMUNICATION

Assistant Commissioner for Patents
Washington, D.C. 20231

Dear Sir:

This is in response to the Communication dated January 29, 2002, for which a response is due on February 28, 2002. Accordingly, this response is timely filed.

The Communication states that regarding claims 190-244, added by Supplemental Amendment sent via facsimile to the Examiner's attention on October 4, 2001, Applicant has not included a listing of all claims readable on the elected species as per required in the previous Office Action.

In the Response to Restriction Requirement mailed July 16, 2001, Applicants elected the label moiety species "fluorochromated"; the anchor moiety species "antibody"; the product species "cytokine"; the cytokine "IFN- γ "; the branched polymer species "dextran molecules";

and the cell surface marker "CD45". Claims 190-244 read on the species elected for examination in the response to the Restriction Requirement mailed July 16, 2001. For claims 190-244, Applicants elect the same species as elected in the Response to Restriction Requirement mailed July 16, 2001.

For claims 190-244, Applicants elect the label moiety species "fluorochromated" (claims 193, 217, 234, 242, and 243); the anchor moiety species "antibody" (claims 199 and 215); the product species "cytokine" (claims 202 and 219); the cytokine "IFN- γ " (claims 203 and 220); the branched polymer species "dextran molecules" (205 and 226); and the cell surface marker "CD45" (claims 207 and 222).

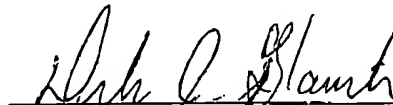
Applicants have made an earnest effort to comply with the requirement to identify species elected and claims readable thereon. Applicants respectfully request consideration and entry of the present Response to Communication.

Applicants believe no fee is due with this response. If the U.S. Patent and Trademark Office determines that an extension and/or other relief is required, Applicants petition for any required relief including extensions of time and authorizes the Assistant Commissioner to charge the cost of such petitions and/or other fees due in connection with the filing of this document to Deposit Account No. 03-1952 referencing docket no. 212302000320.

Respectfully submitted,

Dated: February 14, 2002

By:



Debra J. Glaister
Registration No. 33,888

Morrison & Foerster LLP
755 Page Mill Road
Palo Alto, California 94304-1018
Telephone: (650) 813-5725
Facsimile: (650) 494-0792